

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF JASPER
SEPTEMBER 23, 2008**

The Board of Public Works and Safety of the City of Jasper, Indiana, met in regular session on Tuesday, September 23, 2008, in the Council Chambers of City Hall located at 610 Main Street.

CALL TO ORDER

Presiding Officer Mayor William J. Schmitt called the meeting to order at 8:00 a.m.

ROLL CALL

Mayor William J. Schmitt	present
Board member Thomas R. Schmidt	absent
Board member Ambrose "Butch" Schitter	present

Also present were Police Chief Douglas Tarvin, Street Commissioner Raymond Eckerle, City Engineer Chad Hurm, Building Commissioner David Seger, Personnel/Safety Director Charles Schneider, Fire Chief Kenneth Hochgesang, and City Attorney Sandra Hemmerlein. Financial Coordinator Sharon Sander served in the absence of Clerk-Treasurer Juanita S. Boehm

Financial Coordinator Sharon Sander announced that a majority of the board members must be present for a quorum. Two of the three board members were present, which is a majority; therefore, there was a quorum for the meeting.

PLEDGE OF ALLEGIANCE

Mayor Schmitt invited all present to join him in reciting the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The board members examined the minutes of the regular meeting held on September 9, 2008. A **motion** was made by Ambrose 'Butch' Schitter and seconded by Mayor Schmitt to approve the minutes as published. Motion carried 2-0.

PHASE II BADENDORF STORM SEWER PROJECT BIDS

City Engineer Chad Hurm gave a brief description of Phase II of the Badendorf storm sewer replacement project that continues north on Badendorf across 41st Street and from 41st Street to 42nd Street. Hurm estimated the cost of the project to be under \$150,000.00.

City Attorney Sandra Hemmerlein then opened and publicly read the bids received for the Phase II Badendorf Storm Sewer project. The bids, which each contained Form 96, a non collusion affidavit, a bid bond, and financial statements, were as follows:

Bidder	Bid Price
Knies Construction	\$52,675.00
Lechner's Inc	85,963.00
American Dev & Ex	55,551.25

Mayor Schmitt suggested taking the bids under advisement and have the City Engineer and Street Commissioner look through the bids and report back with a recommendation before the end of this meeting.

STREET DEPARTMENT TRUCK QUOTES

Street Commissioner Raymond Eckerle stated that at the last meeting the quotes for the 2009 pickup trucks for the street department were rejected and they were asked to change the specifications. Eckerle said the specifications were modified and new quotes for two 2009 extended cab trucks were obtained.

City Attorney Sandra Hemmerlein opened the sealed quotes. The following amounts are for each truck.

Uebelhor & Sons

\$23,577.00 Bid price

+1,475.00 item 2.2 four wheel drive electronic controls

+ 415.00 item 9.1 chrome bumper & grill

Bob Luegers

\$25,766.98 Bid price

deduct \$220.00 if a color other than polo green is acceptable

Ruxer Ford

\$24,217.00 Bid price

item 10.5 cup holders are dash mounted, and center fold down console
does not have storage capability

\$24,863.00 Alternate bid price

item 9.1 instead of chrome, the front and rear bumpers are color keyed
painted to match paint color of the truck

Sternberg International

\$25,635.08 Bid price

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to take the quotes under advisement and have street department personnel review and report back at a later time today with a recommendation. Motion carried 2-0.

INDIANA HIGH SCHOOL DISTRICT BAND CONTEST STREET CLOSINGS

Gerald Gagne, Chief Traffic Safety Auxiliary Officer, made a request to close the same streets as last year for the Indiana High School district band contest on Saturday, October 4, 2008 from 7:00 a.m. to 9:00 p.m. The contest will be held at Alumni Stadium. The following areas requested to be closed are restricted for through traffic are:

Second Street from East of Buehler's Buy-Low to Clay Street closed.

West 5th Street from St. John Street to West of Scott Rolen Drive closed for Westbound traffic.
Eastbound traffic for parking will be allowed.

The Parking Lot at 6th and St John Street available for band parking only.
Parking allowed on West 5th Street where legally posted and also the lot behind 5th Street School will be open for the handicapped.

Schroeder Complex and 2nd Street will only be used for buses and band equipment vehicles.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the list of street closings for the Indiana High School district band contest on October 4, 2008. Motion carried 2-0.

TRAFFIC SAFETY AUXILIARY OFFICER

After reviewing applications to replace a traffic safety auxiliary officer and conducting interviews, Police Chief Douglas Tarvin recommended making an offer to Gregory A. Brescher.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to offer a Conditional Offer of Employment to Gregory A. Brescher for the position of Jasper Police Department Traffic Safety Auxiliary Officer and that position to become effective September 29, 2008 after all of the conditions of the “Conditional Offer of Employment” are met. Motion carried 2-0.

HIGH WEED COMPLAINTS

Fire Chief Kenneth Hochgesang reported to the board the names of property owners and locations that have been cited under 5.12.040, weed removal/notice. The names and locations are as follows:

Owner	Location
Barbara A. Hansen	Terrace Heights Lot 28
Bill Keena	Gutzweiler 1 st Add Lot 82

Hochgesang then furnished the board with a completed list of all notices sent for the year.

ENCROACHMENT REQUEST

Nick Johnson, representing Sabra Media Virtual Office, LP, asked permission to encroach over the City’s right-of-way by attaching a sign on the building at 12th & Main Streets. The bottom of the sign will hang six feet 10 inches above the sidewalk. A sign previously hung there and he will try and use the sign bracket that is already in place. The engineering department did not receive any negative comments or suggestions from the city departments.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to enter into an encroachment agreement with Sabra Media Virtual Office, LP to allow a sign over the sidewalk right-of-way at the corner of 12th & Main Streets at their business establishment. Motion carried 2-0.

FORMER JASPER MIDDLE SCHOOL BUILDING INSPECTION REPORT

Building Commissioner David Seger stated that at the request of this board an inspection of the former Jasper Middle School building was done on August 19, 2008 by the police chief, fire chief, director of the Dubois County Health Department, an Industrial Hygienist with the Indiana State Department of Health and the building commissioner. Seger said there was no electricity, lights or ventilation in the building at the time of the inspection; therefore, it was difficult to see every nook and cranny with a flash light. Each inspector then submitted a report to the building commissioner. Seger said some of the findings were; there is extensive mold throughout the building, the floors are uneven and covered with debris, paint is peeling and flaking throughout the building, asbestos was noted in the building, most of the ceilings are damaged or non-existent, and the roof is leaking and causing major damage to the building.

Seger said these are only findings and are not an order. The following recommendations were made in the letter from Seger to the Board of Public Works and Safety:

The roof must be repaired within 30 days of issuance of an order, monitor the building regularly, remove the mold and debris as soon as possible, the building should not be occupied, and there should be another inspection in six months.

Seger said the State Board of Health does not feel it is a dangerous building. According to the dangerous building ordinance, none of the findings are in violation except the roof.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to recommend the Building Commissioner arrange a meeting with the School Superintendent and the Assistant Superintendent, with Mayor Schmitt sitting in, to see what their intentions are and to go through the report in depth. Motion carried 2-0.

Under discussion, Theresa Cravener, 338 W 7th Street, said she lives across the street and behind the Middle School. She ‘thanked’ the board for doing the inspection and on behalf of her neighbors expressed appreciation for the City going ahead with this matter.

4TH AND MAIN PARKING LOT SIGNAGE

Debbie Allen, PHR Human Resources Manager for Matrix Integration, submitted a letter to Building Commissioner Dave Seger about the 4th & Main Street parking lot that is owned by the City and rented to several Matrix employees. These employees are unable to park in the lot because it is occupied by patrons of businesses located along Main Street. A private lot sign is placed on 4th Street by the lot exit but there is no such sign at the lot entrance off Main Street.

Mayor Schmitt said since the lot is rented out, the City has some obligation to properly mark the lot. Street Commissioner Raymond Eckerle said he will move the private lot sign from 4th Street to the entrance on Main Street and put a do not enter sign on 4th Street by the exit. The Mayor said maybe the verbiage violators will be towed should also be placed the sign. Thought will be given to proper signage. Schmitt told Seger to contact Debbie Allen at Matrix about this matter.

EXECUTIVE ORDER-CHANGE STREET NAME

Mayor Schmitt read the Executive Order that changes a small portion of Division Road that is located east of Wernsing Road to Clay Street. Part of the road east of Wernsing Road was called Division Road then at some point it turned into Clay Street. With this change, Clay Street will stop at Wernsing Road and Division Road will begin on the west side of Wernsing Road.

GRANT FUNDING FOR BREATHALYZER EXPENSES

Police Chief Douglas Tarvin asked permission to seek grant funding from the Dubois County Substance Abuse Council for expenses related to the breathalyzer instrument housed at the police station. The City currently pays a fee for a direct telephone line to the Indiana University Department of Pharmacology and Toxicology in the amount of \$516.24 per year and also a yearly maintenance fee of \$650.00 for a total of \$1,166.24 per year. Tarvin said the Substance Abuse Council possibly has grant funding for such expenditures.

Mayor Schmitt commended Tarvin for his work on seeking such funding.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to give permission to apply for this grant and seek each year if possible.
Motion carried 2-0.

OPERATION PULL OVER REPORT

Police Chief Douglas Tarvin presented the board with the Operation Pull Over report completed by the Jasper Police Department for the number of warnings, citations, seat belt violations, alcohol and drug arrests and gave a brief description of the operation.

POLICE REPORTS

Police Chief Douglas Tarvin presented to the board for its review the following reports:
Jasper Police Department August Fuel and Maintenance Report
Jasper Police Department August Monthly Activity Report

PHASE II BADENDORF STORM SEWER PROJECT BIDS continued

City Engineer Chad Hurm said he and the street commissioner reviewed the bids opened earlier today for Phase II of the Badendorf Storm Sewer Replacement project and recommend accepting the low bid submitted by Knies Construction in the amount of \$52,675.00.

A **motion** was made by Ambrose ‘Butch’ Schitter and seconded by Mayor Schmitt to accept the low bid submitted by Knies Construction for \$52,675.00. Motion carried 2-0.

50/50 SIDEWALK REPLACEMENT PROGRAM REQUEST

City Engineer Chad Hurm said Tim Berger, 431 W 9th Street requested to participate in the 50/50 sidewalk replacement program. The total cost of the project is \$1,606.50 with the owner’s portion being \$803.25.

Hurm said there is a tree in the front of the house that is in the city right-of-way that will be removed by the electric and street departments.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to include the Tim Berger project in the 50/50 sidewalk replacement program. Motion carried 2-0.

LEASE AGREEMENT FOR WALKING PATH PROJECT

City Engineer Chad Hurm said a field office is needed for the St. Charles Street walking path project. Hurm asked the Board to approve a real estate lease agreement with the project’s contractor Deig Brothers Lumber and Construction of Evansville to lease an office at the Habig Center to serve as their field office. The agreement is for \$600.00 per month from September 1, 2008 to December 31, 2008.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to enter into a real estate lease agreement with Deig Brothers to lease an office at the Habig Center from September 1, to December 31, 2008 for the walking path project. Motion carried 2-0.

STREET CLOSING

City Engineer Chad Hurm requested the closure of 9th Street from St John Street to Soliga Street in order for the electric department to cut down a large tree at the corner of 9th and Soliga.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to close 9th Street during the removal of a large tree located at the corner of 9th and Soliga Street on condition proper notification is given to emergency personnel, the hospital and school are notified, and start after 8:00 a.m. Motion carried 2-0.

STREET DEPARTMENT REPORTS

Asphalt. Street Commissioner Raymond Eckerle reported that at the last meeting he expressed that J. H. Rudolph would not raise the price on asphalt. Using an index with the same formula calculates the raising and lowering asphalt prices and there was a small deduct. HMA dropped \$1.41 per ton.

Wind storm. Since the recent wind storm, the street department has not made a complete circuit through the City but other than such things as the daily trash pick-up every available person and equipment is spent cleaning up.

STREET CLOSINGS FOR BLOCK PARTIES

Street Commissioner Raymond Eckerle said two street department employees asked him to make a request on their behalf.

Shane Lindauer is seeking permission to close Ryan Road off Skyview Drive for a neighborhood block party on October 11, 2008 from 4:00 p.m. to 12:00 a.m.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the request to close Ryan Road for a neighborhood block party on October 11, 2008. Motion carried 2-0.

Matt Kiefer, 330 W 15th Street, made a request to close Beckman Street between Maute Street and Kundek Street for a block party on October 4, 2008 from 4:00 p.m. to 10:00 p.m.

A **motion** was made by Ambrose 'Butch' Schitter and seconded by Mayor Schmitt to grant the request of Matt Kiefer and the residents of that area to close Beckman Street on October 4, 2008 from 4:00 p.m. to 10:00 p.m. Motion carried 2-0.

STREET DEPARTMENT & CITY HALL AUCTION ITEMS

Street Commissioner Raymond Eckerle along with Mayor Schmitt asked the Board to declare the items on the lists from the Street Department and City Hall surplus and put them in the City's auction on October 18, 2008.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to declare the items described by the Street Department and the Mayor's office as surplus and place the items in the auction. Motion carried 2-0.

Arrangements have been made for Hoffman & Mullen to serve as auctioneer and the Older Americans Center will sell lunch and concessions at the auction.

STREET DEPARTMENT TRUCK QUOTES

Project Technician Jeff Theising reviewed the truck quotes that were opened earlier today. Theising gave the following summary of the low quotes that reflect the cost for one truck:

Uebelhor's quote of \$23,577 was low but the quoted cost of \$1,890 for an electronic controls and chrome bumper must be added to meet the specifications for a total quote of \$25,467.00.

Ruxer Ford's quote is \$24,217.00 but the fold down arm rest does not have storage and the cup holder is on the dash. These exceptions are considered minor.

Theising recommended accepting the quote from Ruxer Ford for \$24,217.00 for each truck.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to follow Theising's recommendation to accept the low quote from Ruxer Ford for \$24,217.00 each with the exception being immaterial to the overall quote. Motion carried 2-0.

EASEMENT

City Attorney Sandy Hemmerlein presented the following easement for acceptance and approval:

Grant of Permanent Electric Easement

IC Properties, LLC by Mike Weyer-Part of Lot 2 in the Replat of Columbus Container Industrial Park

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve and accept the electrical easement as described by the City Attorney. Motion carried 2-0.

Sandra Hemmerlein stated she did not bring with her today the application request for a new easement for the ingress and egress of Mary Ann Haas Estate in the Bohn-Villa subdivision but it was signed by Mayor Schmitt and attested by Clerk Treasurer Juanita Boehm before being recorded.

Statement. John King, a Jasper resident, made a statement in reference to the recent arrest of the Assistant Police Chief. King felt that if the officer is found guilty, he should be removed from the office to prove that city government holds to the same standard that it expects from the community. King made several other comments.

Mayor Schmitt commented that there is a State Statute that governs us and there is an employee handbook that addresses with policies regarding certain issues.

ADJOURNMENT. There being no further business to come before the board, a **motion** was made by Ambrose 'Butch' Schitter and seconded by Mayor Schmitt to adjourn the meeting. The motion carried 2-0 and the meeting adjourned at 9:26 a.m.

The minutes were hereby approved _____ with X without corrections or clarification this 14th day of October, 2008.

Mayor William J. Schmitt
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Margaret A. Kress, Recording Secretary